

### REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 1 through 30 and 46 through 52 are pending, with Claims 1, 5, 10, 16, 20, 25, 46, 47, 48, and 49 being independent. Claims 31 through 45 have been cancelled without prejudice. Claims 1 through 18, 20, 25, 26, and 46 through 48 have been amended. Claims 49 through 52 have been added.

The title has been amended as required.

Claims 46 through 48 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. All rejections are respectfully traversed, and are submitted to have been obviated by the amendment of those claims in a manner earnestly believed to avoid the grounds of rejection, viz, each claim recites a program --embodied in a computer readable storage medium--, which is respectfully submitted to be in full compliance with 35 U.S.C. § 101. MPEP 2106.

Claims 1 through 48 were rejected under 35 U.S.C. § 102(b) over European Patent Document 0 975 142 A2 (Yamamoto, et al.). All rejections are respectfully traversed.

Claims 1, 5, 16, 20, 46, and 47 variously recite, inter alia, generating transfer information describing a combination of a plurality of devices on the basis of device information corresponding to each of the plurality of devices, the device information indicating that the device actively executes data communication or that the device passively executes data communication, in combination with receiving/transmitting on the basis of the selected transfer information; meanwhile, Claim 49 recites, inter alia, generating transfer information describing a combination of a plurality of devices on the basis of the acquired first device information

(indicating that the first device actively executes data transfer or that the first device passively executes data transfer) and the acquired second device information (indicating that the second device actively executes data transfer or that the second device passively executes data transfer).

Claims 10, 25, and 48 variously recite, inter alia, generating transfer information describing a combination of a plurality of devices on the basis of device information corresponding to each of the plurality of devices, the plurality of devices including a proxy device which converts image data into a data format.

However, Applicant respectfully submits that Yamamoto, et al. fails to disclose or suggest at least the above-discussed combinations of claimed features as recited, inter alia, in Claims 1, 5, 10, 16, 20, 25, 46, 47, 48, and 49. With respect to Claims 1, 5, 16, 20, 46, 47, and 49, Applicant respectfully notes that Yamamoto, et al. discloses, e.g., a transfer path profile; however, Applicant respectfully submits that neither the foregoing nor the remainder of Yamamoto, et al. provides either a description or a suggestion of at least the above-discussed claimed features. With respect to Claims 10, 25, and 48, the Official Action states that Yamamoto, et al. discloses a proxy device in the form of a file server; however, Applicant traverses this statement and respectfully submits that neither the foregoing nor the remainder of Yamamoto, et al. provides either a description or a suggestion of at least the above-discussed claimed features as recited, inter alia, in Claims 10, 25, and 48. It is further respectfully submitted that there has been no showing of any indication of motivation in the cited documents that would lead one having ordinary skill in the art to arrive at the above-discussed claimed features. By means of the features of Claims 1, 5, 16, 20, 46, 47, and 49, Applicant respectfully submits that the present invention may, for example, allow a user to select a desired transfer information, with receiving/transmitting of image data from/to an appropriate device, while by

means of the features of Claims 10, 25, and 48, Applicant respectfully submits that the present invention may, for example, enable data transfer between devices, with conversion of image data into a data format.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

Applicant submits that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



---

Attorney for Applicant  
Daniel S. Glueck  
Registration No. 37,838

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3800  
Facsimile: (212) 218-2200  
DSG/cmg

DC\_MAIN 197994v1